# In the Supreme Court of the United States

OCTOBER TERM, 1966

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No. 643

THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE-HAND EMPLOYEES AND MOVING PICTURE OPERATORS OF THE UNITED STATES AND CANADA, LOCAL 642, PETITIONER

*v.*

NATIONAL LABOR RELATIONS BOARD

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT*

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## MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

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We respectfully invite the attention of the Court to the following facts which show that the petition was filed out of time:

The decree of the court of appeals (App., *infra*, pp. 3-4) was entered on July 7, 1966. The petition

for a writ of certiorari was filed on October 7, 1966, ninety-two days after entry of the decree. No extension of the time for filing the petition was applied for or granted.[1] Since the 90-day limitation for filing a petition for a writ of certiorari imposed by 28 U.S.C. 2101(c) is jurisdictional, the petition is untimely, and therefore should be denied.

Respectfully submitted.

THURGOOD MARSHALL,
*Solicitor General.*

ARNOLD ORDMAN,
*General Counsel,*
*National Labor Relations Board.*

OCTOBER 1966.

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[1] Although the court of appeals on July 22, 1966, stayed the issuance of its mandate pending the filing of a petition for certiorari by October 5, 1966, such stay did not extend the time for petitioning.

# UNITED STATES COURT OF APPEALS
## FOR THE THIRD CIRCUIT

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No. 15662

SKOURAS THEATRES CORPORATION, PETITIONER

*v.*

NATIONAL LABOR RELATIONS BOARD, RESPONDENT

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No. 15671

THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE-HAND EMPLOYEES AND MOVING PICTURE OPERATORS OF THE UNITED STATES AND CANADA, LOCAL 642, PETITIONER

*v.*

NATIONAL LABOR RELATIONS BOARD, RESPONDENT

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## DECREE

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Before: HASTIE and GANEY, *Circuit Judges:* and WRIGHT, *District Judge.*

THIS CAUSE came on to be heard upon petitions for review filed by the above named petitioners and upon the cross petitions of the National Labor Relations Board for enforcement of its order issued by it against the said petitioners. The Court heard argument of respective counsel on May 24, 1966, and has considered the briefs and transcript of record filed in this cause. On June 7, 1966, the Court being fully advised

in the premises, handed down its decision granting enforcement of the Board's order.

ON CONSIDERATION WHEREOF, it is ordered, adjudged and decreed by the United States Court of Appeals for the Third Circuit that the said order of the National Labor Relations Board in said proceeding be enforced, and that Skouras Theaters Corporation, its officers, agents, successors and assigns and The International Alliance of Theatrical Stagehand Employees and Moving Picture Operators of the United States and Canada, Local 642, its officers, agents and representatives, abide by and perform the directions of the Board in said order contained.

BY THE COURT

WILLIAM H. HASTIE
*Circuit Judge*

DATED: JULY 7, 1966

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